

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

HILDA SEMERDJIAN,

*Plaintiff,*

- v -

MCDUGAL LITTELL, A DIVISION OF  
HOUGHTON MIFFLIN COMPANY, AND  
R.R. DONNELLEY & SONS COMPANY,

*Defendants.*

07-CV-7496 (LMM)

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that Defendants McDougal Little, a Division of Houghton Mifflin Company, and R.R. Donnelly & Sons Company will move this Court before the Honorable Lawrence M. McKenna, United States District Judge, at the United States Courthouse, 500 Pearl Street, New York, New York, 10007, as soon as counsel can be heard, for an order dismissing with prejudice Count IV of the Complaint in the above-captioned action, alleging fraud, pursuant to Federal Rule of Civil Procedure 12(b)(6), because Count IV (a) is preempted under 17 U.S.C. § 301(a) and (b) fails to state a claim on which relief can be granted under New York law.

In support of this motion, Defendants respectfully submit the accompanying memorandum of law.

Dated: New York, New York  
September 28, 2007

Respectfully submitted,

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